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Conference of the Parties to the United Nations Convention against Transnational Organized Crime

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Working Group on International Cooperation
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Provisional agenda and annotations

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Annotations

1. Organizational matters

(a) Opening of the meeting

The meeting of the Working Group on International Cooperation will be opened on Wednesday, 8 October 2014, at 10:00 a.m.

(b) Adoption of the agenda and organization of work

At its meeting held on 4 April 2014, the extended Bureau of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime agreed on the provisional agenda for the meeting of the Working Group on International Cooperation.

2. Bilateral and multilateral agreements or arrangements for international cooperation in criminal matters

In its resolution 6/1, entitled "Ensuring effective implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto", the Conference of the Parties recognized that the Convention offered expanded opportunities for international cooperation in various areas of the fight against transnational organized crime and had in that regard a potential that was yet to be fully explored.

The importance of bilateral and multilateral agreements or arrangements for international cooperation in criminal matters was previously highlighted at the meeting of the Working Group held in Vienna on 15, 16 and 18 October 2012, when speakers discussed experiences of handling cases of extradition based on bilateral agreements or regional conventions, challenges arising from differences in legal systems and extradition procedures and the fact that extradition remained a highly specialized and technical area of law (see CTOC/COP/WG.3/2012/5). The topic was also considered at the sixth session of the Conference of Parties, where, inter alia, several speakers highlighted the importance of using the Convention either as the sole legal basis or in conjunction with other international cooperation treaties for the purposes of extradition, mutual legal assistance and international cooperation for the purposes of confiscation (see CTOC/COP/2012/15).

During the deliberations under this agenda item, consideration could be given to: (a) basic indicators, such as the number of countries with whom States have such agreements in place, as well as experiences regarding utilization and implementation of such agreements; (b) the extent to which the United Nations model treaties on extradition and mutual legal assistance have been used by States in the negotiation of bilateral instruments; and (c) the sharing of experiences in negotiating, renegotiating and implementing such agreements, including regarding the legislation that may be required to implement them, notably in countries that follow the dualist tradition.

For its consideration of this item, the Working Group will have before it a background paper by the Secretariat on central authorities and international cooperation arrangements.

Documentation

Background paper by the Secretariat on central authorities and international cooperation arrangements (CTOC/COP/WG.3/2014/2)

3. Enhancing the coordinating functions of central authorities designated under article 18, paragraph 13, of the United Nations Convention against Transnational Organized Crime

In its resolution 5/8, entitled "Implementation of the provisions on international cooperation of the United Nations Convention against Transnational Organized Crime", the Conference, mindful of the need to strengthen central authorities, encouraged States parties to facilitate training activities for central authorities who were engaged in international legal cooperation to combat transnational organized crime through implementation of the Organized Crime Convention and its Protocols.

According to article 18, paragraph 13, of the Organized Crime Convention, each State party shall designate a central authority that shall have the responsibility and power to receive requests for mutual legal assistance and either to execute them or to transmit them to the competent authorities for execution. While article 18 does not elaborate in detail on the functions of such authorities, experience shows that they are normally entrusted with a number of key additional coordinating functions, both internationally (such as coordination with other central authorities on incoming and outgoing requests) and domestically (such as coordination with national executing authorities).

During the deliberations under this agenda item, consideration could be given to: (a) the different types of designated central authorities, for example, whether they are administrative or judicial entities; (b) the ways in which central authorities perform their coordinating role; (c) the ways in which the role of these authorities is defined in different countries, notably in relation to other domestic agencies or departments that are tasked with justice matters; (d) practical aspects related to the functioning of central authorities, such as infrastructure, staffing, allocated budget and the impact these may have in their performance; and (e) capacity-building needs for central authorities.

For its consideration of this item, the Working Group will have before it a background paper by the Secretariat on central authorities and international cooperation arrangements.

Documentation

Background paper by the Secretariat on central authorities and international cooperation arrangements (CTOC/COP/WG.3/2014/2)

4. Tools developed by the United Nations Office on Drugs and Crime

In its resolution 6/1, entitled "Ensuring effective implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto", the Conference encouraged the United Nations Office on Drugs and Crime (UNODC) to make use of the technical assistance tools that had been developed, such as handbooks, digests and legal tools, and to continue developing new tools, as

appropriate, with a view to improving the capacity of States to implement the Convention and the Protocols thereto, and requested the Office to promote and disseminate such tools and to continue facilitating the exchange of experiences and good practices among practitioners, including through the Sharing Electronic Resources and Laws against Organized Crime (SHERLOC) knowledge management portal and an online digest newsletter.

The United Nations Office on Drugs and Crime has recently developed a number of tools to assist Member States in taking action against transnational organized crime, including model legislative provisions, manuals on international cooperation in criminal matters and the SHERLOC knowledge management portal, which contains case law and legislation relating to organized crime. The Office has also continued to redevelop existing tools, such as the directory of competent national authorities and the Mutual Legal Assistance Request Writer Tool.

During the deliberations, consideration could be given to: (a) reviewing progress in the development and implementation of UNODC technical assistance tools; (b) tools under development by other organizations, such as the e-extradition initiative of the International Criminal Police Organization (INTERPOL); (c) sharing views on the way forward to increase the accessibility and outreach of such tools, future directions for development of such tools, and provision of guidance to UNODC on emerging needs for new tools; and (d) identifying potential audiences and stakeholders that may have a particular interest in making use of UNODC tools.

For its consideration of this item, the Working Group will have before it a report of the Secretariat on activities of UNODC to promote the implementation of the provisions on international cooperation in the Organized Crime Convention.

Documentation

Report of the Secretariat on activities of the United Nations Office on Drugs and Crime to promote the implementation of the provisions on international cooperation in the United Nations Convention against Transnational Organized Crime (CTOC/COP/2014/10)

5. Other matters

As no issues to be raised under item 5 have come to the attention of the Secretariat, no documentation regarding this item is currently foreseen.

6. Adoption of the report

The Working Group will adopt a report on its meeting, the draft of which will be prepared by the Secretariat.

Annex

Proposed organization of work

Date and time	*Agenda item*	*Title or description*
Wednesday, 8 October		
10 a.m.-1 p.m.	1 (a)	Opening of the meeting
	1 (b)	Adoption of the agenda and organization of work
	2	Bilateral and multilateral agreements or arrangements for international cooperation in criminal matters
3-6 p.m.	3	Enhancing the coordinating functions of central authorities designated under article 18, paragraph 13, of the Organized Crime Convention
Thursday, 9 October		
10 a.m.-1 p.m.	4	Tools developed by the United Nations Office on Drugs and Crime
	5	Other matters
	6	Adoption of the report